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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/544,084	07/28/2005	Hiromoto II	KON-2020	9413
20311 7590 11/26/2008 LUCAS & MERCANTI, LLP 475 PARK AVENUE SOUTH 15TH FLOOR NEW YORK, NY 10016				
EXAMINER				
TUROCZY, DAVID P				
ART UNIT		PAPER NUMBER		
1792				
MAIL DATE		DELIVERY MODE		
11/26/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/544,084

Applicant(s)

II ET AL.

Examiner

DAVID TUROCY

Art Unit

1792

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF/88)
Paper No(s)/Mail Date 10/23/08, 10/12/05
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3, 12, 14, 15, 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 5290609 by Horiike et al., hereafter Horiike in view of US patent Publication 20030113479 by Fukuda et al., hereafter US '479.

Horiike discloses a method of forming a metal oxide film on a substrate surface including the process of supplying a discharge, reducing, and reactive gas to deposit a first metal film by exposing the substrate to the excited reactive gas and thereafter providing an oxygen plasma to oxidize the metal film and thereby create a metal oxide film (Column 3, lines 1-15). Such plasma process would excite a discharge gas and oxygen gas and would transfer the energy to the gas in combination with the discharge gas, i.e. the reactive gas because such is inherent in a plasma process.

Horiike discloses vacuum processing and fails to disclose the frequency as claimed, however, US '479 discloses atmospheric pressure plasma has advantages over vacuum processing including elimination of expensive equipment and maintaining continuous processing (0004). US '479 discloses using a high frequency during the atmospheric plasma process to excite the gases (0245-0250). Therefore, it would have been obvious to one of ordinary skill in the art to have modified Horiike to use the

atmospheric plasma apparatus and process parameters to deposit the metal oxide thin film by the multistep process because one would desire to reap the benefit of reduced expenses related to equipment costs.

Claims 2-3: The limitations of these claims are discussed above.

Claim 12, 14: Horiike discloses forming a metal oxide film using an organometallic zinc (column 4).

Claim 15: Horiike discloses repeating first and second a plurality of times to form a film (Column 3, lines 1-15).

Claim 16: Horiike discloses a thickness of less than 10 nm (column 6, lines 35-37).

3. Claims 4-11, 13, and 17-26 rejected under 35 U.S.C. 103(a) as being unpatentable over Horiike in view of US '479 and further in view of US Patent Publication 2003/0232136 by Fukuda et al., hereinafter US '136.

Horiike in view of US '479 discloses all that is discussed in the 35 USC 103(a) metal rejection above, however, the reference fails to disclose the plasma parameters as claimed, including the intensity relationship, the power density, and the superposing the frequency. However, US '136 discloses a method of forming a plasma through a first and second electrode discloses providing the intensity relationship, power density, and frequency relationship as claimed (Column 9) results in forming a layer with high quality (Column 10, lines 1-4). Therefore, taking the references collectively it would have been obvious to one of ordinary skill in the art at the time of the invention to have

modified Horiike in view of US '479 to provide the plasma process parameters as taught by US '136 to reap the benefits of the increased film quality.

Claim 4-5: In addition to above, US '479 at 0110 and US '136 at 0040 discloses the discharge gas of nitrogen of 50% or more in combination with hydrogen, a reducing gas.

Claim 6: US '136 discloses the feature as claimed (0054).

Claim 7: US '136 discloses the claims relationship between the frequency, intensity and power density as claimed (0046).

Claims 8-11: Horiike discloses multiple plasma steps and thus the process as taught by Horiike in view of US '479 and US '136 would necessarily include a third and fourth frequency, a third and fourth electrode, and applying the third frequency and fourth frequency to the third and fourth electrode as claimed.

Claim 13: US '136 discloses forming a transparent conductive film as claimed (0201).

Claim 17-25: The prior art discloses each and every limitation of these claims are discussed above.

Claim 26: Horiike in view of US '479 and US '136 discloses a substrate with a film thereon.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US Patent Publication 20010028924 discloses supplying oxygen

plasma to oxidize a metal film and performing multiple sequences to build a film of desired thickness (examples, 0036). US Patent 6200893 discloses supplying metal precursors and thereafter supplying hydrogen plasma to reduce to metal film and then an oxygen plasma to oxidize the metal film and repeating to form the desired film thickness (column 8-9).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DAVID TUROCY whose telephone number is (571)272-2940. The examiner can normally be reached on Monday-Friday 8:30-6:00, No 2nd Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy Meeks can be reached on (571) 272-1423. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/David Turocy/
Examiner, Art Unit 1792